CITY OF GLOUCESTER CONSERVATION COMMISSION MINUTES WEDNESDAY April 20, 2011 - 7:00 PM

CITY HALL, KYROUZ AUDITORIUM ROBERT GULLA, CHAIRMAN

Members Present:

Ann Jo Jackson, Chair Charles Anderson

Helen Farr Steve Phillips

Barry Gradwohl- Absent Arthur Socolow- Absent

Robert Gulla - Absent

Staff:

Lisa Press, Agent

Pauline Doody, Recording Clerk

Items may be heard 15 minutes before their scheduled time.

l. 1-5 minutes, review of amended, updated or final information, status reviews, modifications, signing decisions etc.

**** Re-election of Conservation Commission Chair

Motion: Approval of Robert Gulla as Conservation Commission Chair

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

28-2126 14 Pond Road

Ms. Press stated 14 Pond Road have met DEP requirements has signed off. The conditions were emailed to the commission for review.

Motion: Approval of 14 Pond Road

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

28-2131- 12 Wolf Hill Road

Ms. Press stated 12 Wolf Hill Road documentation needs to be signed.

28-2041 9 Rogers St – Minor modification

Ms. Press stated that Cape Ann Brewery wants to reconfigure the mitigation not the plan.

Matt Araneo 85 Eastern Avenue

Mr. Araneo wants to change the pavers and decrease the amount to 1160 and add 1360 of native plantings. Do change the orig. accepted plan, Want to change pavers Would like to decrease pavers to 1160 and add 1360 of native planting.

Motion: To accept the minor modification to 9 Rogers Street

1st Charles Anderson 2nd: Steve Phillips Vote: Approved 4-0

II. PUBLIC COMMENT - None

III MINUTES REVIEW

The boards tabled the review of minutes for January 19, 2011, February 16, 2011 and March 2, 2011 until the May 4the meeting.

The board reviewed the April 6, 2011 minutes.

Motion: Approval of the amended April 6th minutes.

1st: Steve Phillips 2nd: Helen Farr Vote: Approved 4-0

V PUBLIC HEARING approximately 7:15 PM

A. New- 52 Adams Hill Road, Request for Determination submitted by Bill Johnston, to re-build existing sea wall by hand. (Map 119, lot 40).

Presenter: Harold Wentworth, 15 Rowley Shore Rd, Gloucester MA.

Mr. Wentworth stated that stones have fallen out of the wall and needs repair. The wall is 9-10 feet long and 4 feet tall. No machinery will be used and the materials on site will be reused.

Commission Comments:

Ms. Jackson confirmed with Mr. Wentworth that all work will be done by hand and stones are dry laid.

Mr. Wentworth stated they would be using a chainfall on a strap only.

Public Comment: None

Conditions:

- All work to be hand done
- Stones are dry laid

Motion: Negative Determination for the work at 52 Adams Hill Road, submitted by Bill Johnston, to re-build existing sea wall by hand. (Map 119, lot 40).

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

B. New- 7 Pond Road, Request for Determination submitted by Earthworks Constructors Inc., to construct a concrete slab 18'X 16' to store materials and to park construction vehicles in buffer to inland resource area. (Map 119, lot 40).

Presenter: Tim Corrigan 16 Curtis Street

Mr. Corrigan displayed a 2009 picture of the area. He corrected the application stated that the slab is already existing. The size 14x12x6. His request is that he be able to continue to store at the site and to continue to use the existing structures.

Commission Comments:

Ms. Press stated that Mr. Corrigan is looking to store materials. There is no impact to the area. The site has been cleaned up. Materials are stored close to the pond. **Ms. Jackson** stated she would like to see the site before moving forward. A site visit is scheduled for Wednesday April 27 at 3:00.

Public Comment: None

Motion: To continue the Request for Determination for 7 Pond Road, submitted by Earthworks Constructors Inc., to construct a concrete slab 18'X 16' to store materials and to park construction vehicles in buffer to inland resource area. (Map 119, lot 40) to May 4, 2011

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

C. New- 2 Windward Point, Request for Determination submitted by Matthew Moynihan, to construct a 2 story addition on a foundation in buffer to coastal resource area. (Map 131, lot 29).

Presenter: Matthew Moynihan

Mr. Moynihan stated the project consists of a two story addition, poured concrete slab and enclosing two existing porches. They are 90 feet from resource.

Commission Comments:

Ms. Press stated it is a deck over a deck over peastone and 1-1 mitigation would be fair.

Ms. Jackson asked that the plantings be kept close to the resource.

Public Comment: None

Conditions:

- 1-1 mitigation
- Construction sequence to be followed

Motion: Negative determination for 2 Windward Point, submitted by Matthew Moynihan, to construct a 2 story addition on a foundation in buffer to coastal resource area. (Map 131, lot 29).

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0 **D. New- 28-2132- 75 Eastern Point Boulevard** Notice of Intent submitted by SPNEA dba Historic New England, to conduct landscaping activities in the buffer zone to a coastal resource area. (Map 135, lot 10).

Presenter: Jody Black, 75 Eastern Point Blvd, Gloucester, MA.

Ms. Black stated the SPNEA owns 36 historic houses in New England and Beauport is one of them. We would like to reinterpret the landscape of the Beauport house as it was in the mid 1930's. When the original owner had it, it was more of a controlled woods. We would like to take out the manicured lawn out and replace it with shrubs and trees. Filter Mitts would be in place while work is being done.

Commission Comments:

Ms. Press stated she has no issues.

Ms. Jackson asked if any machinery would be used.

Ms. Black stated there would be some stump grinding.

Public Comment: None

Conditions:

Filter mitts to be used

Motion: To accept the project at - 75 Eastern Point Boulevard submitted by SPNEA dba Historic New England, to conduct landscaping activities in the buffer zone to a coastal resource area. (Map 135, lot 10).

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

V. PUBLIC HEARINGS approximately 8:15 PM

A. Continuation- 190 Hesperus Avenue, Notice of Intent submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area. (Map 167 lot 4).

Presenter: Bill Manuel, Wetlands and Land Management

Mr. Manuel stated the work is in the buffer zone to coastal bank which is confined to opposite side to Shore Road. An original plan was submitted 3 weeks ago and then a smaller plan was resubmitted. We will be deconstructing a portion of the site. There will be demolition, some reconstruction and digging for a foundation. There is an increase of impervious to 1080 square feet and we will mitigate for that by twice that amount. There is a large lawn area and parts of that can be converted for landscaping. There is an existing masonry wall and we will continuing the wall to up to the turn near Hesperus Avenue. The wall will be on a concrete footing or large stone footing. We will excavate a trench and install a base. At the back of the site there is erosion controls in place. The resource is coastal bank. We are separated by the road and the wall. The closest point of excavation is 40 feet. The applicant does intend to have a basement underneath. Soil tests pits were done and we have 4-5 feet of soil before bedrock is hit. We may have to

do some hammering. If we find anything, we want to reserve the right to be able to blast if needed.

Ms. Press generally have asked applicants, if you are blasting near a wetland you won't need a blasting consultant because the stability of the land between the project and the wetland isn't the sole function of protecting the buffer zone, however the sole function of the buffer zone in the coastal bank is the stability. We need to be consistent, and have a blasting consultant review it, before you can blast.

Mr. Manual stated that storm water management test pits have been done. We have, have 4-5 feet of leachable material. We propose and an infiltration trench. Excavate it out, fill it with clean washed stone, the site is graded so that the driveway and roof top run off will be captured and infiltrated. The previous design was approved and this is a scaled down plan. We are not expecting any significant changes. DEP has no comments.

Commission Comments:

Ms. Jackson asked if the 2-1 mitigation was still covered

Mr. Manuel stated yes.

Ms. Farr asked for the acreage on the landscaping.

Mr. Manuel stated it was 2200 square feet is the minimum we would do. He asked if there were any other than issues other than the blasting issue. He stated "we are confident that we will not need to blast. If any chipping would be done it would be done by hand. We will come back to the commission if blasting is needed.

Public Comment: None

Motion: To continue the project at 190 Hesperus Avenue, Notice of Intent submitted by Thomas O' Flynn, to enlarge structure, add a garage, driveway, walls and patio and to conduct drainage and landscaping activities in buffer to a coastal resource area, (Map 167 lot 4) to May 4, 2011 to review conditions.

1st: Helen Farr 2nd: Steve Phillips Vote: Approved 4-0

B. New-NOI 21 Ferry Hill Rd Notice of Intent submitted by Stan Michalak, to construct a stairway and install a new pier, ramp, and float in a riverfront resource area. (Map 91 lot 14.)

Presenter: Bill Manuel, Wetlands and Land Management

Mr. Manuel stated this project includes installing a new ramp, pier and float. It also needs stairs to go from the lawn area towards the water. At this location the float will be in the water throughout the entire tide cycle. There is a low tide site walk on Friday April 22 at 12:20 with Dave Sargent. The lawn ends at the stone wall. At this time the wharf does not have a Chapter 91 license. We will get a license when we get the conditions from the commission. The stairs will be wood and supported by sono tubes and hand dug. The risers will be open for plenty of sunlight. The soils will be removed off site by hand.

The pier is all rock wharf and only sumacs grow in path. The rock wharf is supported on wood posts.

The wharf posts could have concrete over the irregular rock and build the support off of that. It will be done just where posts need to bear, put hardware in wet cement and affix the vertical post to that. That is the most difficult way. The easiest way is to remove the grout, find a big rock and pin it to base stone of the wharf

Mr. Manuel stated he saw one comment by the Marine Fisheries about the long lines securing the float back to the rock wharf. There is very narrow strip of exposed intertidal shore at low tide. It is 7-8 feet wide between the edge of the wharf and the water. Ms. Evans didn't realize that and these lines would be in water suspended for the entire tide cycle except for a small area. I would like to wait for Dave Sargents comments.

Commission Comments:

Ms. Press stated that she has been out to the site. The concrete on the coastal bank is a new development and that is why we are returning on Friday to look at that.

Ms. Jackson asked if engineering would be present on Friday and can a decision be made then. She also asked how high the ramp versus how wide it is.

Mr. Manuel stated it is 30 inches wide at low tide and 10 feet above the flats.

Public Comment: None

Motion: To continue the project at 21 Ferry Hill Rd Notice of Intent submitted by Stan Michalak, to construct a stairway and install a new pier, ramp, and float in a riverfront resource area, (Map 91 lot 14.) to May 4 at 8:15.

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

C. New- NOI 28-2133- 56 Adams Hill Rd Notice of Intent submitted by Terry French, to repair existing tennis courts and fencing, to replace shed and repair kayak rack and to repair a dry laid stone wall in the buffer zone to a coastal resource area. (Map 120, lot 21).

Presenter: Isaac Rowe, Mill River Consulting

Mr. Rowe stated this project includes;

- Replacing existing screens around the tennis courts and to rebuild the existing shed. Due to the 2010 storm in December boulders and debris washed into the courts and caused damage. The galvanized screens will be replaced with plastic screens.
- There is an existing stone wall that was also damaged and would like to use the existing boulders to fix the wall.
- An existing kayak rack was also damaged and needs to be replaced.
- There is an exiting concrete pad; the trustee would like to remove it. It is 9x18.
- At a low site on the property, sea grass and debris has accumulated, and would like to clean it up.
- There is a pile of clay and would like to put a structure over it so it won't wash into the soil.

A small excavator will be required to put the granite blocks into place. It should be a one day project. We would also use the excavator to break up the concrete pad.

Commission Comments:

Ms. Press stated there are spots of salt marsh grass, and there is debris that is caught in there. It should be cleaned up, but the rocks should be left there. Most of these things have been destroyed because of the storm and some are just improvements to the site. **Ms. Jackson** asked what the pile of clay would be covered with and if it would be anchored.

Mr. Rowe stated it would be covered by a wooden structure of some sort. We will get the Agents approval first. We could anchor the structure with granite.

Public Comment: None

Conditions:

Concrete pad to be broken off and taken immediately off site

Motion: Approval of 56 Adams Hill Rd, submitted by Terry French, to repair existing tennis courts and fencing, to replace shed and repair kayak rack and to repair a dry laid stone wall in the buffer zone to a coastal resource area. (Map 120, lot 21).

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

D. New- NOI Atlantic and Bungalow Rd, Notice of Intent submitted by William Cook, Wingaersheek Improvement Assoc., for after the fact stream excavation, and to replace a drainage catch basin, remove a drainage pipe, and road sediment removal in and in buffer to an inland resource area. (Map 257 lot 165, 167, 166.).

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that as you drive through the pillars you will see drainage issues and localized puddling. He stated this project has 4 parts

- Accumulated sediment on the shoulders of the road,
- After the fact maintenance of the stream associated with the drainage
- Broken pipe, serves no purpose at this time
- Insert a new catch basin to trap suspended solids

Some hand maintenance had taken place by some of the members.

The Association wants to remove a berm of accumulated grits. We propose installing a erosion control sock between the resource area and the berm. It will also be fortified by erosion control sock along top of existing stream bank. The berm material would be trucked off site. The catch basin would be 4 foot sump, it would trap any sediments.

Commission Comments:

Ms. Jackson asked if there was an operation and maintenance plan.

Mr. Judd stated that is in part of the package submitted. There is a construction sequence and O&M has been submitted. Mr. Judd reviewed the items with the commission.

Ms. Press stated concern in removing the berms on the side of the road. The berms also protect the stream. Engineering needs to become involved and come up with a

solution or we can't allow berms to be removed. Using mulch filter mitts to help vegetate the area, and provide protection to the stream is an option. It would become part of the landscape and allow the water to move freely while catching sediment.

Ms. Jackson requested an annual report updating the commission on the maintenance of the site. Twice a year is acceptable.

Ms. Press stated that she would to continue this until May 18 and to get an engineering input.

Mr. Judd stated that there is a safety issue in regards to the broken pipe. We are looking for an emergency order to get rid of plates they stick up over an inch in the road. The pipe is only about 10 inches from the surface. Would like to fill it/ patch it with a stone pack. We would like saw cut out and remove the damage pipe and properly compact it. It is 15 feet in length and 12" in depth and replace it with pack and then asphalt.

Ms. Press stated that this could be done with a letter permit if there was consent by the owner.

John Summers, President of Wingaersheek Improvement Association

Mr. Summers stated that on an interim basis; can we go forward and put stone in and hottop?

Ms. Press stated that it couldn't be done without a better plan. It needs to be slightly indented. The asphalt washes directly into sleepy pond.

Ron Knowltey 2 Dune Circle

Mr. Knowltey stated that it is a hazard and filling it with stone just washes into the pond. To ignore it is not taking care of problem and we don't want someone to get hurt. **Ms. Jackson** stated that the commission doesn't know all the details to address the issue. At this time the water table is too high to do the work right now. Ms. Jackson stated that engineering and legal needs to look at this. The basics have to be covered and legal precedence are in place.

Mr. Knowlety stated again this is an emergency. He stated he would like to set up a meeting with himself and Mike Callahan to expedite the process.

Public Comment: None

Motion: To continue the project at Atlantic and Bungalow Rd, Notice of Intent submitted by William Cook, Wingaersheek Improvement Assoc., for after the fact stream excavation, and to replace a drainage catch basin, remove a drainage pipe, and road sediment removal in and in buffer to an inland resource area, (Map 257 lot 165, 167, 166.) to May 18th at 7:15.

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

VI. PUBLIC HEARINGS approximately 9:15 PM

A. New- NOI 730 R Washington St, Notice of Intent submitted by John Cunningham, to re-construct and expand a deck and to conduct landscaping activities in riverfront resource area. (Map 116 lot 56.)

Presenter: John Judd Gateway Consultants

Mr. Judd stated this project includes replacing an existing deck and to include a large amount of landscaping. The deck coming down is 10x7 and will be replaced with a larger pervious deck with no roof. It will extend out 8 feet from the dwelling. The landscape improvements include removing non native species from the property and replacing them with native species. There are three trees coming down- Spruce, Black Cherry and a Birch. The Spruce has been damaged by Septic work, is large and dangerous to surrounding homes, the Birch removal will have no impact on the resource area and the Black Cherry tree is diseased There will also be the removal of an asphalt patio and concrete walkways and replaced with pervious granite loose laid steps. The scope of work in buffer is the replacement of the deck and landscaping An alternative analysis plan is also submitted.

Commission Comments:

Mr. Phillips stated that Lobster Cove is not riverfront.

Ms. Press confirmed that is was not.

Mr. Phillip stated if Lobster Cove is not in riverfront, then an Alternative Analysis is not needed.

Ms. Jackson stated the Birch tree looked healthy.

Ms. Farr stated it's not our concern if solar panels are being installed.

Ms. Press stated we have to look at the impacts to the resource area.

Mr. Judd stated in terms of the coastal standards of coastal bank we are separated between the Birch tree and coastal bank. There is 2-1mitigation replacement for the trees. There is no connection between the coastal bank and the tree.

Ms. Jackson stated she agreed with Ms. Farr not liking the birch removed, but it will not impact the area. She asked in the mitigation are you replacing the invasives with natives and then doing replacement on top of that.

Mr. Judd stated the total numbers is 9 removed and 19 going in.

Ms. Jackson stated that some of those nine are the invasives.

Mr. Judd stated the Barberry is invasive and being replaced.

Ms. Jackson stated her level of discomfort is in taking all of that out and replacing with younger smaller plants.

Ms. Press stated that one thing to consider is the habitat value. It seems like it's just a landscaping plan. In 4-5 years it will be wonderful habitat, but not right away.

Mr. Phillips stated that since it is just buffer zone. We have to address if the removal of tree will impact the resource. I can't imagine that this will alter the resource area

Ms. Jackson asked if the applicant would consider phasing in the landscaping and not just decimating the area all at once.

Ms. Farr asked for the numbers for the paver work and wall work.

Mr. Judd stated the removal of pavement area and hardscape is 400 sq feet itself.

Public Comment:

Deacon Banks, 8 Pilots Hill, Gloucester, MA.

Mr. Banks stated that he owned the property at 732r Washington St and we abut the property at 732r Washington Street. He stated we are in favor of this permit. He is in favor or Spruce. The roots were damaged when the city installed the step system. It has been a concern for some time.

Conditions:

- 2½ inch caliper trees to be planted
- The replacement will guarantee a canopy cover of at least 2-1
- Applicant to consider phasing in the new landscaping as a courtesy of the environment

Motion: To approve the project at 730 R Washington St, submitted by John Cunningham, to re-construct and expand a deck and to conduct landscaping activities in riverfront resource area. (Map 116 lot 56.)

1st: Charles Anderson 2nd: Steve Phillips Vote: Approved 4-0

B. New- NOI 209 Essex Ave, Notice of Intent submitted by Anthony Taliadoros, for after the fact stream alteration, and to remove a drainage pipe, and fill in an intermittent stream bed. (Map 218 lot 96.)

Presenter: John Judd, Gateway Consultants

Mr. Judd stated he was contracted to prepare a plan for the removal of a pipe installed. The pipe that is to remain is 60 feet in length.

Attorney Mike Faherty;

Attorney Faherty stated the sediment control was corrected immediately. The railroad had been dumping in fill and they have since removed it. Since last September the area has been stabilized and is now vegetating again.

This is considered an intermittent stream, but it is an overflow runoff from Fernwood Lake. At the top of the stream is a city controlled levy. The city has a valve to divert the excess flow to the pond. The city has failed to maintain the pinboards and not exercising the valve to Walden Pond. In addition to that, a culvert that comes across Essex Ave at the end of the pipe there had developed a sump because it had not been maintained. Mr. Taliadoros, did put in this pipe, but the city did put in riprap which was done without any permits. There are two pipes at the end under the railroad way.

Mr. Taliadoros, seems to be the only one that being accountable for his actions. We would like this to be looked at by the city engineer. The city will be called upon to fix that outlet. If we take it out, it will create a problem. Mr. Talisadoros is prepared to do any kind of planting that is necessary on his property.

Mr. Taliadoros presented the commission with photographs and letters from neighbors in favor of the work done. He gave a history of why the project happened. He stated that he thought we were working under the state of emergency.

Commission Comments:

Ms. Press stated that this is still a violation of filling of an interment stream. She stated she has not called DEP on it yet and is happy to sit down with engineering to work out a solution. Just because there is safety issue, you still cannot fill in a stream. Mike Hale needs to be involved.

Public Comment: None

Motion: To continue the project at 209 Essex Ave, Notice of Intent submitted by Anthony Taliadoros, for after the fact stream alteration, and to remove a drainage pipe, and fill in an intermittent stream bed, (Map 218 lot 96.) to May 18

1st: Steve Phillips 2nd: Charles Anderson Vote: Approved 4-0

C. New RFD 259 Concord St Request for Determination submitted by Mary Lee, to replace a septic system in buffer to ACEC and coastal and inland resource areas. (Map 248, lot 3 & map 252, lots 1, 31, and 31)

Presenter: John Judd, Gateway Consultants

Mr. Judd stated that they were able to find a leaching field outside of the buffer, but the tanks need to situated close to the house. Two tanks are to be installed; 62 and 66 feet from edge of wetland. It has been approved by the Board of Health. It is a failed septic system and has been mandated. There is a construction sequence and erosion controls.

Commission Comments:

Ms. Press stated she had no concerns.

Public Comment: None

Motion: A negative determination for the project at 259 Concord St submitted by Mary Lee, to replace a septic system in buffer to ACEC and coastal and inland resource areas. (Map 248, lot 3 & map 252, lots 1, 31, and 31)with a finding that the mandate of the Board of Health for the replacement of the septic exists and constitutes a hardship within the meaning of the Gloucester Ordinance and permits us to approve the location of the septic in proximity to the ACEC.

1st: Steve Phillips 2nd: Helen Farr Vote: Approved 4-0

VII. AS TIME PERMITS: COMMISSION BUSINESS

A. Requests for Letter Permits/Modifications

Shellfish letter permit

Ms. Press stated that this is for a study that is being done and the Division of Marine Fisheries is okay with the study also.

Ms. Jackson stated that Gloucester is being used as a control area for the study.

Motion: Approval to issue the letter permit

1st: Steve Phillips 2nd: Helen Farr Vote: Approved 4-0

VII. <u>AGENT'S REPORT ON VIOLA</u>TIONS

Ms. Press stated she sent out three letters. At 8 Naomi Road someone is using an area close to coastal bank and putting compost material in the area. We have a meeting tomorrow.

The second one involves someone slowly clearing next to a stream. He thought he was doing a good thing. Ms. Press stated she would be talking with him to go over what can be done

The third one involves a landscaper who is dumping on a coastal bank on city property. It looks like it has been going on for a while. She stated she has contacted them and have received no response. She asked the commission what she should do.

Ms. Jackson stated to issue an enforcement order.

- **B.** Requests for Certificates of Compliance 28-870 81 Wingaersheek Rd DUPLICATE Commission signed documents
- **C.** Requests for Extension Permits

If you would like additional information regarding the review status of a particular item, please contact the Community Development Conservation Department via e-mail at mdemick@gloucester-ma.gov or via phone at 978-281-9781.

Additional information can also be obtained on the Conservation Web Page at www.gloucester-ma.gov Click Community Development for a link to Conservation.

Commission Members: If you are unable to attend the meeting, please contact the Community Development office at 978-281-9781 or send Lisa or Marie an e-mail